

AMENDMENTS TO THE DRAWINGS:

The drawings are amended as described below by presenting replacement figures as attached hereto.

The attached drawings include new Figs. 9-11.

The Office Action objected to the drawings for allegedly failing to show every feature of the invention specified in claims 9, 10, and 12. In order to overcome these objections, replacement figures are submitted herewith.

Approval of these changes to the Drawings is respectfully requested.

REMARKS

INTRODUCTION

In accordance with the foregoing, the specification and claim 1 have been amended. Reconsideration is respectfully requested.

Claims 1-16 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response because: the amendments place the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedure sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedure further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

DRAWINGS

The drawings are objected to for failing to show every feature of the invention specified in the claims.

Figs. 9-11 have been added.

Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5, 7, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Komma et al. (U.S. Patent No. 5,644,413 – hereinafter Komma).

Amended, independent claim 1 recites "...a grating which diffraction-transmits all incident light."

The Office Action states "Komma's grating diffraction transmits incident light."

Komma discusses the use of a hologram lens 94, where the center of the hologram pattern and the center of the objective lens 96 are respectively positioned on a central line of the outgoing light path to decrease off-axis aberration such as astigmatic aberration and coma

aberration (col. 26, lines 27-31; Figs. 19-20). Komma states in col. 26, lines 31-40 (*emphasis added*):

Therefore, the polarizing anisotropic hologram lens 94 functions as a hologram lens for first light linearly polarized in an X direction. That is, the first linearly polarized light is diffracted and refracted by the hologram lens 94. In contrast, the polarizing anisotropic hologram lens 94 functions as a transparent plate for second light linearly polarized in a Y direction perpendicular to the X direction. That is, ***the second linearly polarized light transmits through the hologram lens 94 without being diffracted.***

As shown in Figs. 19-20, the polarizing anisotropic hologram lens 94 of Komma does not diffract the second light.

Thus, Komma does not disclose, "...a grating which diffraction-transmits all incident light."

Withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 6 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komma in view of Park et al. (U.S. Patent Application No. 2003/0053394 – hereinafter Park).

Nothing was cited or has been found in Park suggesting modifications of Komma to overcome the deficiencies discussed above.

Withdrawal of the rejection is respectfully requested.

CONCLUSION

In accordance with the foregoing, Applicant respectfully submits that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, the Board should enter this Amendment at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

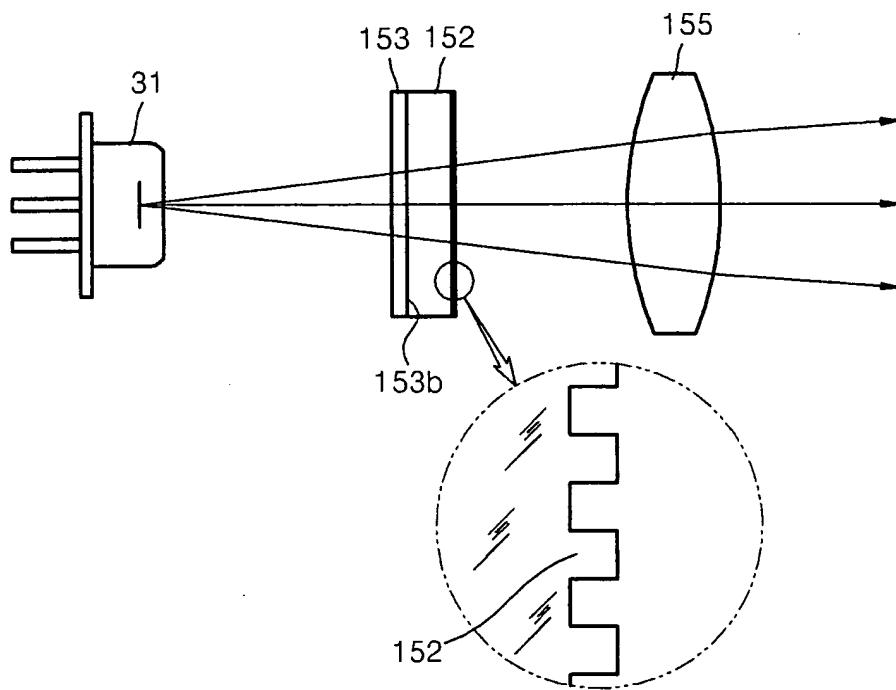
Date: Jan. 24, 2007
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FIG. 9



TITLE: OPTICAL PICKUP APPARATUS
INVENTORS: Byung-ryul RYOO et al.
SERIAL NO.: 10/687,764
DOCKET NO.: 1293.1910
Annotated Sheet Showing Changes

FIG. 10

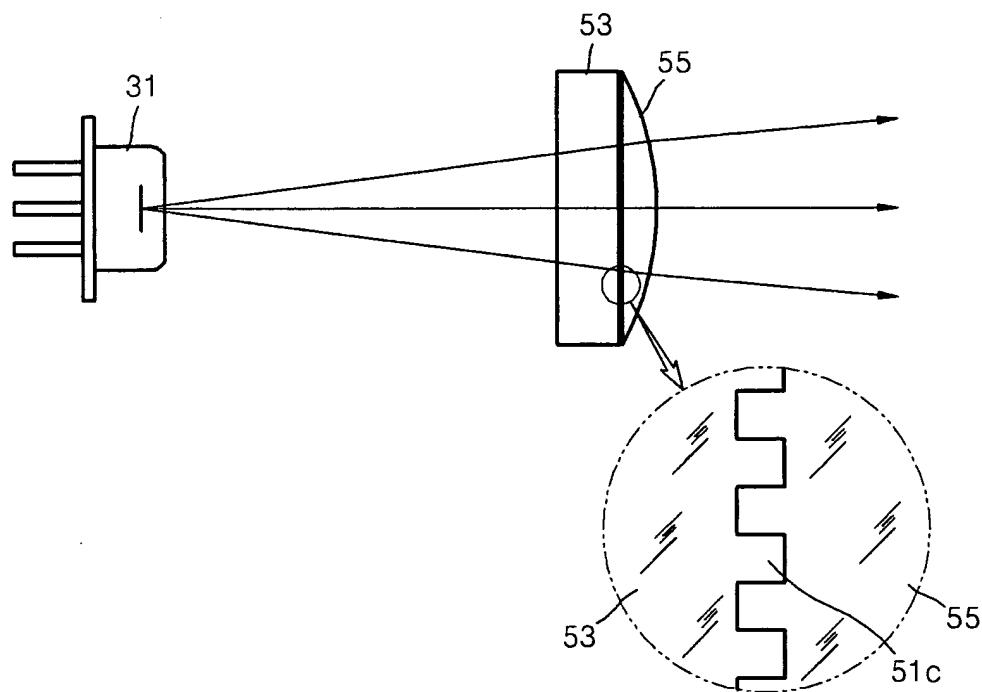


FIG. 11

